

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ILLINOIS NATIONAL INSURANCE COMPANY,  
THE INSURANCE COMPANY OF THE STATE OF  
PENNSYLVANIA, and NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH, PA;  
and THE METROPOLITAN TRANSPORTATION  
AUTHORITY,

Plaintiffs,

v.

TUTOR PERINI CORPORATION,

Defendant.

CASE NO. 11-CV-00431 (PKC)

**DEFENDANT'S NOTICE OF  
MOTION TO DISMISS OR  
STRIKE THE METROPOLITAN  
TRANSPORTATION AUTHORITY  
AS PLAINTIFF**

**PLEASE TAKE NOTICE** that, upon the annexed Declaration of Carrie L. Maylor, Esq., sworn to on July 14, 2011, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this Motion, and the pleadings herein, Defendant Tutor Perini Corporation will move this Court before the Honorable P. Kevin Castel, United States District Judge, for an order dismissing the MTA from this action pursuant to Fed. R. Civ. P. 12(b)(1) and 12(h)(3) or striking the MTA as a plaintiff in this action pursuant to Fed. R. Civ. P. 12(f), and granting such other and further relief as the Court deems just and proper.

Dated: July 14, 2011  
New York, New York

**ANDERSON KILL & OLICK, P.C**

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